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| 09/579,030      | 05/26/2000  | Robert A. Gilman     | JANCO 3.0-001       | 8146             |

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EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 06/05/2003 5

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

**Application No.**

09/579,030

**Applicant(s)**

GILMAN ET AL.

**Examiner**

Nhon T Diep

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2613

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/24/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kerchner (US 6,559,882)

Kerchner discloses a domestic appliances comprising a housing having an interior and a door, the door being movable between an open position at which the interior can be accessed and a closed position (fig. 1); appliance controls; a kitchen appliance apparatus for effecting the environment of the interior, as controlled by the

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appliance controls (col. 12, lines 4-18); and a display built within the door for display electronic image on the door (fig. 1, el. 20) as specified in claims 1 and 10; further including a television tuner; the television tuner is within the housing (fig. 10b, TV control on display 20) as specified in claims 2 and 3; further comprising a microprocessor (fig. 1, el. 12); further including a keyboard for controlling the microprocessor (col. 12, lines 4-18 and col. 16, lines 43-51); the microprocessor is within the housing as specified in claims 4 and 5-6; further including video generating apparatus; the video generating apparatus is a video camera; the video generating apparatus is at least partially in the housing (col. 19, lines 57-60, col. 20, line 47 - col. 21, line 18) as specified in claims 7-9; the display covering about one-third of the planar surface or one-half (display 20 of fig. 1) as specified in claims 11-12.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerchner.

As applied to claim 10 above, it is noted that Kerchner does not particularly disclose that the door and the planar surface of the appliance housing are not on the same side of the appliance housing; or the kitchen appliance is a refrigerator, and the

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planar surface is on the side of the refrigerator as specified in **claims 13-14**. Since Kerchner, although does not mention refrigerator as part of the mentioned domestic appliance, further more, Kerchner teaches that domestic appliance is generally incorporated into a specific domestic environment such as kitchen (col. 25, lines 10-14) and that it is well known that microwave and refrigerator are part of any home appliances and since refrigerator has bigger outside planar front and side surfaces and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to place display device of Fan on the front or even better on the side surface (with more available space) of the refrigerator to obtain bigger display surface.

As applied to claim 10 above, it is noted that Kerchner further discloses the appliance controls are part of the housing and the appliance apparatus are in the housing (fig. 1, el. 12 and col. 12, lines 4-18 and col. 16, lines 43-51) as specified in claim 17; however, Kerchner does not particularly disclose that a display cover for selective covering and uncovering of the display as specified in claims 15-16. Since display device is part of the microwave which typically located in the kitchen area and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to provide a display cover to the television display to keep it clean.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ghori et al (6,282,714) discloses a digital wireless home computer system.
- b. Grefenstette et al (US 6,498,567) discloses a generic handheld remote control device.
- c. Harrison et al (US 6,490,726) discloses an appliances with the internet access.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND  
May 30, 2003



**NHON DIEP**  
**PRIMARY EXAMINER**